

**UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA
Western Division**

U.S.A. vs. Rochard A. Baker

Docket No. 5:04-CR-243-1FL

Petition for Action on Supervised Release

COMES NOW Julie Wise Rosa, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of, Rochard A. Baker, who, upon an earlier plea of guilty to Possession of a Firearm by a Felon, was sentenced by the Honorable Louise W. Flanagan, U.S. District Judge on February 22, 2005, to the custody of the Bureau of Prisons for a term of 110 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 36 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall not incur new credit charges or open additional lines of credit without the approval of the probation officer.
2. The defendant shall provide the probation office with access to any requested financial information.
3. The defendant shall consent to a warrantless search by a United States probation officer or, at the request of the probation officer, any other law enforcement officer, of his/her, person and premises, including any vehicle, to determine compliance with the conditions, of this judgment.
4. The defendant shall cooperate in the collection of DNA as directed by the probation officer.
5. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
6. The defendant shall participate in a program of mental health treatment, as directed by the probation office.
7. The defendant shall participate in a vocational training program as directed by the probation office.
8. The defendant shall participate in an education program as directed by the probation office.

Rochard A. Baker
Docket No. 5:04-CR-243-1FL
Petition For Action
Page 2

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

Rochard A. Baker was released from custody on September 18, 2012, at which time the term of supervised release commenced. On September 2, 2014, a Violation Report was filed with the court advising of the defendant's conviction for Driving While Impaired, as well as an arrest for additional driving-related charges. His supervision was continued. On December 8, 2014, a Violation Report was filed reflecting the defendant's use of marijuana. Baker was reprimanded for his actions and returned to the Surprise Urinalysis Program.

On January 7, 2015, Baker tested positive for the use of marijuana. When confronted, he admitted to smoking the substance. The defendant agreed to participate in substance abuse treatment and complete a 2-day jail sanction. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall be confined in the custody of the Bureau of Prisons for a period of two consecutive days, commencing as soon as can be arranged by the probation office, and shall abide by all rules and regulations of the designated facility.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,
/s/ Michael C. Brittain
Michael C. Brittain
Senior U.S. Probation Officer

I declare under penalty of perjury that the foregoing is true and correct.
/s/ Julie Wise Rosa
Julie Wise Rosa
U.S. Probation Officer
310 New Bern Avenue Room 610
Raleigh, NC 27601-1441
Phone: 919-861-8675
Executed On: February 12, 2015

ORDER OF THE COURT

Considered and ordered this 13th day of February, 2015 and ordered filed and made a part of the records in the above case.

Louise W. Flanagan
Louise W. Flanagan
U.S. District Judge